APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,929	01/23/2004	Vadakkedathu Thomas Rajan	YOR920030461US1	7862

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MICHAEL J. BUCHENHORNER
8540 S.W. 83 STREET
MIAMI, FL 33143

EXAMINER
SWEARINGEN, JEFFREY R

ART UNIT	PAPER NUMBER
2445	

NOTIFICATION DATE	DELIVERY MODE
06/10/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

MICHAEL@BUCHENHORNER.COM
ANA@BUCHENHORNER.COM

	Application No.	Applicant(s)
Office Action Summary	10/763,929	RAJAN ET AL.
	Examiner	Art Unit	
	Jeffrey R. Swearingen	2445	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _18 March 2009_.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-17_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _1-17_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments with respect to claims 1-17 have been considered but are

moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Horvitz et al. (US 6,161,130) in view of Loughmiller et al. (US 7,257,564).

4.   In regard to claim 1, Horvitz disclosed *a method of classifying electronic mail*

based upon likelihood of spam content of said electronic mail, the method comprising

the steps of:

> *storing in a memory at least three electronic mail directories, each*
>
> *electronic mail directory being assigned a range of likelihood of spam content,*
>
> *said range being between no-likelihood-of-spam-content to very-high-likelihood-*
>
> *of-spam-content;* Horvitz disclosed multiple classes of mail: spam (non-
>
> legitimate) or legitimate mail in column 4, lines 47-49. Horvitz allowed for
>
> subclassification of email based on its "spaminess" - spam containing information
>
> on commercial opportunities, spam containing pornographic material and other
>
> adult content, or legitimate e-mail. Horvitz, column 4, lines 50-53. See further

Horvitz, column 8, lines 50-66, using assignment of "intermediate probabilities of spam" where spam is assigned to an intermediate folder or one of a number of such folders for review by a user.

using a processor for grading incoming electronic mail for likelihood of spam content, the grading based on user pre-defined criteria provided by a user; Horvitz used a mail classifier to classify the mail. Horvitz, column 8, lines 54-65.

storing in a memory each of the incoming electronic mail into one of the at least three electronic mail directories whose assigned ranges of likelihood of spam content encompass the likelihood of spam content grade of the incoming electronic mail; and Horvitz assigned the mail to intermediate folders for review by a user. Horvitz, column 8, lines 50-66.

receiving from the user at a user interface a command to adjust the level of likelihood of spam content that is required for placement of emails in the electronic mail directories. A user can review folders of intermediate spam content. Horvitz, column 8, lines 60-65. A user can issue commands to change the classification of a message. Horvitz, column 9, lines 9-17. User changes of the classification can update the filter. Horvitz, column 10, lines 27-38.

Horvitz disclosed two types of spam levels and a legitimate email level - three types of directories. Horvitz did not disclose a range of levels of spam that would be between "no-likelihood-of-spam-content to very-high-likelihood-of-spam-content".

Loughmiller did disclose a series of three classifications of messages. Loughmiller, column 3, lines 55-67 disclosed "relatively important messages" which are

not spam and not bulk messages, "bulk periodicals" (lines 48-54) which are messages that are clearly not directed to the individual recipient but the user might wish to review, and "unwanted email" or "spam" (lines 41-47).

It would have been obvious to one of ordinary skill in the art at the time of invention that because Horvitz supported multiple levels of intermediate spam content (commercial, pornographic, legitimate) and because Loughmiller disclosed a method of sorting messages to allow for overlap (bulk messages for review by the user) that Horvitz could be adapted to use the bulk messaging separation of Loughmiller with the intermediate spam folders (commercial, adult) of Horvitz to allow for sorting of bulk messages for further review as taught in Loughmiller into an intermediate spam folder of Horvitz. Therefore the user would have more control over reading bulk messages and deciding whether they should be considered legitimate without having to sort through an offensive amount of adult material.

5.   In regard to claim 2, Loughmiller further disclosed *the likelihood of spam content ranges assigned to at least two of the directories overlap such that an electronic mail whose grade is encompassed within the overlap is assigned to both of such directories.* Loughmiller supported bulk messages, which could be further reviewed by a user. Loughmiller, column 3, lines 48-54. The messages in Loughmiller could be tagged and then forwarded to the user. Loughmiller, column 6, lines 31-47. Users could review false positives in column 7, lines 3-5 and 23-30. Horvitz further disclosed placing email in not only a spam directory but also an intermediate folder for review by the user. Horvitz, column 8, lines 50-65. This is essentially a "bulk periodicals" folder, where the

computer treats it as spam but the user can review it and move it to a legitimate email folder or select it as spam to train the classifier in the future.

6.   In regard to claim 3, Horvitz further disclosed *presenting the user with an indication that the incoming electronic mail has been placed in more than one directory.* Horvitz, column 8, lines 50-66; column 10, lines 27-38. Also, Loughmiller, column 7, lines 23-32.

7.   In regard to claim 4, Horvitz further disclosed *prompting the user to take an action on the incoming electronic mail that has been placed in more than one directory.* Horvitz, column 8, lines 50-66; column 10, lines 27-38. Also, Loughmiller, column 7, lines 23-32.

8.   In regard to claim 5, Horvitz further disclosed *the action comprises voting on the likelihood of spam content of the incoming electronic mail.* Horvitz, column 8, lines 50-66; column 10, lines 27-38. Also, Loughmiller, column 7, lines 23-32.

9.   In regard to claim 6, Horvitz further disclosed *receiving new information on user behavior and re-grading the electronic mail based on the new information.* Horvitz, column 10, lines 27-38. Also, Loughmiller, column 7, lines 23-32.

10.   In regard to claim 7, Horvitz further disclosed *relocating electronic mail from one directory to another based on the re-grading.* Horvitz, column 10, lines 27-38.

11.   Claim 8 is substantially the same as claim 1.

12.   Claim 9 is substantially the same as claim 2.

13.   Claim 10 is substantially the same as claim 1.

14.   Claim 11 is substantially the same as claims 1 and 2.

15.   In regard to claim 12, Horvitz further disclosed *retrieving stored electronic mail*

messages; Horvitz, column 10, lines 27-38 Also, Loughmiller, column 7, lines 23-32.

        reclassifying the stored electronic mail messages according to the grading of the

incoming electronic mail messages, wherein said stored electronic mail messages and

the incoming electronic mail messages contain a common criterion used in the grading;

and Horvitz, column 10, lines 27-38 Also, Loughmiller, column 7, lines 23-32.

        reassigning the stored electronic mail messages to another electronic mail

directory based upon the reclassification. Horvitz, column 10, lines 27-38 Also,

Loughmiller, column 7, lines 23-32.

16.   In regard to claim 13, Horvitz further disclosed *prompting the user before the*

stored electronic mail messages are reassigned. Horvitz, column 10, lines 27-38

17.   In regard to claim 14, Horvitz further disclosed *the number of directories is*

specified by the user. A number of folders are used for intermediate probabilities of

spam. Horvitz, column 8, lines 60-65.

18.   In regard to claim 15, Horvitz further disclosed *assigning a label to each*

directory, said label comprising a user-friendly identifier. Horvitz, column 8, lines 60-65

19.   In regard to claim 16, Horvitz further disclosed *the user-friendly identifier is*

selected from a group consisting of: colors, names, tasks, content, and spam levels.

Horvitz, column 8, lines 60-65

20.   In regard to claim 17, Horvitz further disclosed *the ranges are assigned by the*

user. Horvitz, column 8, lines 60-65

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey R. Swearingen whose telephone number is (571)272-3921. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on 571-272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jeffrey R. Swearingen
Examiner
Art Unit 2445

/J. R. S./
Examiner, Art Unit 2445

/VIVEK SRIVASTAVA/

Supervisory Patent Examiner, Art Unit 2445